



IFW

3-21-05

U. S. DEPT. OF PATENTS:

I HAVE BEEN RETIRED FOR MANY YEARS AND AM LIVING ON A SMALL PENSION AND SOCIAL SECURITY. I CAN'T AFFORD A PATENT ATTORNEY SO I SENT TO THE PATENT OFFICE FOR A "GUIDE TO FILE AN APPLICATION" SO I COULD FILE FOR MYSELF.

I FILED FOR (2) PATENTS - #10/614/705 ON 7-7-03 AND #~~10/614~~ #10/647/753 ON 8-26-03. LATER ON THE PATENT OFFICE SENT CORRESPONDENCE ON THESE (2) APPLICATIONS IN THE SAME MAILING BUT IN SEPERATE ENVELOPES. I ANSWERED THESE MAILINGS ON BOTH OF THE APPLICATIONS IN THE SAME ENVELOPE. THIS WAS MY MISTAKE AND IT LED TO MUCH CONFUSION AND DELAY.

I HAVE ANSWERED EVERY PATENT DEPT. CORRESPONDENCE WITHIN (1) WEEK. THE GREATEST DELAY IN THIS WHOLE MATTER IS THE LONG TIME IT TAKES THE PATENT DEPT. TO RESPOND TO THE CHANGES THAT WERE REQUESTED, AND MADE BY ME, WILL SOMEONE TELL ME IN PLAIN ENGLISH JUST WHAT I HAVE TO DO TO OBTAIN AN APPROVAL ON THIS APPLICATION?

THANK YOU,

Paul R. McKee





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,705	07/07/2003	Paul B. McKee		7967

7590 02/10/2005
PAUL B. McKEE
26 DOGWOOD CIRCLE
BOYNTON BEACH, FL 33436

EXAMINER

PETSUGA, ROBERT M

ART UNIT PAPER NUMBER

3751

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



5010/6/4705

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 01/14/05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☒ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☒ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: Amendment is unsigned.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/upla/prenotice/office/ver.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

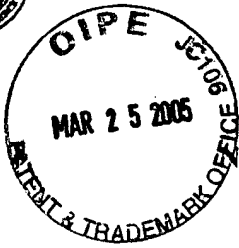
Legal Instruments Examiner (LIE)

Telephone No.



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**Failure to Acceptably Respond to
Notice of Non-Compliant Amendment (37 CFR 1.121)
No New Time Period for Reply is Provided**

The amendment document filed on 2-22-05 fails to provide the corrective action required by the prior Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on 2-10-05. The amendment, including both the originally filed amendment and the amendment filed in response to the prior notice, is still considered to be non-compliant under 37 CFR 1.121. In order for the amendment document to be compliant, correction of the item(s) listed below is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

The period for reply continues to run from the mailing date of the prior Notice of Non-Compliant Amendment. The corrections listed below must be timely filed to avoid abandonment of the application. No new time period for reply is provided in this communication. See the Manual of Patent Examining Procedure (MPEP) § 714.03.

If the period for reply set forth in the prior Notice of Non-Compliant Amendment has expired, this application will become abandoned unless applicant: (1) corrects the deficiency, and (2) obtains an extension of time under 37 CFR 1.136(a). In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in the prior Notice of Non-Compliant Amendment (37 CFR 1.121).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: 1, 4 & 5 is due for claims over 3 (independent) you have 7

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/procnotice/officeflyer.pdf>.

Tracey Hauge
Supervisory Legal Instruments Examiner (SLIE)

571-272-4354
Telephone No.

*I RECEIVED THIS ON 3-21-05
AND CAN'T FIGURE OUT WHAT THE
(SLIE) WANTS.*



AMENDED CLAIMS

I make the following claims #1 thru #10

Paul B. McKee

1. Status: ORIGINAL - This invention is to be used with existing and new flush tanks that have a water supply and a float shut-off valve
2. Status: NEW - It can replace all existing flush valves on one and 2 piece toilets (see Fig. 2).
- 3 Status: NEW - It can be inserted into all existing 1 and 2 piece toilet flush valves without disconnecting plumbing. (See Fig. 3 and Fig. 4)
4. Status: NEW - Flushing can be activated with flush handles and levers #17 thru #28 on existing tanks with (1) flush handle hole. (See Fig. 5 and Fig. 6)
5. Status: NEW - On new tanks with (2) flush handle holes commercial flush handles and levers can be used there by eliminating Det's 17 thru 28. (See Fig. 5 and Fig. 6)
6. Status: NEW - Det's #1,2,3,9 and 11 can be mass produced of plastic and cost little more than single flush valves now in use.
7. Status: CURRENTLY AMENDED - I estimate that the partial flush flap (4) will be used on 80-85% of all flushings and will save much more water than the current E.P.A. 1.6 gallon toilets now being sold.
8. Status: NEW - I claim great amounts of water can be saved on all old existing tanks and new E.P.A. man dated 1.6 gallon tanks. That is the basis of this invention.
9. Status: NEW - This invention can be adjusted to determined amount of water to be flushed by sliding det. #2 up or down in det. #1 and lock in place with det. #8 set screw.
10. Status: NEW - Valves and handles can be installed in a few minutes by most people.

Paul B. McKee

6

THIS WAS TO REPLACE THE ORIGINAL
SH. #6 ON THE ORIGINAL APPLICATION.

MAR 2 5 2005

Office Action Summary

Application No.

10/614,705

Applicant(s)

MCKEE, PAUL B.

Examiner

Robert M. Fetsuga

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(e). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: See Continuation Sheet

Art Unit: 3751

1. Applicant filed amendments that were received July 19, 2004, July 22, 2004, and September 3, 2004. Neither of these amendments comply with 37 CFR 1.121. A copy of rule 121 is included herewith for applicant's convenience. Accordingly, the noted amendments can not be entered.

2. In response to applicant's letters that were received September 27, 2004, October 7, 2004, November 1, 2004, November 8, 2004, and November 15, 2004, the instant application will be re-examined. However, such examination will be based upon the application as originally filed.

3. The drawings are objected to because reference numeral "1" (pg. 4 ln. 6) is missing therefrom, and reference numeral "13" appears to designate different elements between Figs. 3 and 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the

*I MADE ALL THE CHANGES ASKED FOR AND
SENT PAT. DEPT. AN AMENDED CLAIMS SH. # 6*

Art Unit: 3751

several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The disclosure is objected to because of the following informalities: Reference numerals 12, 17-25 and 28 of the drawings lack a detailed description.

Appropriate correction is required.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown.

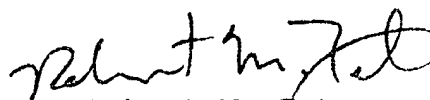
The Brown reference discloses a dual flush valve comprising: a first flush valve 21; a partial flush operator

Art Unit: 3751

handle 47; and a full flush operator handle 28, as claimed. Re claim 1, the Brown dual flush valve is capable of being used with a "new" flush tank in the functionally recited manner. Re claim 2, the Brown dual flush valve is capable of being used "80 to 85 percent" of the time in the functionally recited manner.

7. Applicant is referred to MPEP 714.02 and 608.01(o) in responding to this Office action. A copy of the noted sections is included herewith.

8. Any inquiry concerning this communication should be directed to Robert M. Fetsuga at telephone number 571/272-4886 who can be most easily reached Monday through Thursday.



Robert M. Fetsuga
Primary Examiner
Art Unit 3751